

DEBIT A

A. Requirements for State PSD Plans

Section 51.24 of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

1. By adding a new subparagraph (b)(1)(iii) to read as follows:

"(iii) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources: [Reserved].";

2. By adding to subparagraph (b)(2)(iii)(e)(1) an "(1)" after the word "prohibited" and the following clause just before the semi-colon at the end of the subparagraph: ", or (1) under any enforceable condition which was established after [the effective date of this clause]";

3. By adding to subparagraph (b)(2)(iii)(g) an "(1)" after the word "prohibited" and the following clause at the end of the subparagraph: ", or (2) under any enforceable condition which was established after [the effective date of this clause].";

4. By adding a new subparagraph (b)(2)(iv) to read as follows:

"(iv) Increases and decreases in fugitive emissions shall not be included in determining for any of the purposes of this section whether a change at a stationary source would result in a significant net emissions increase, unless the source belongs to one of the following categories of stationary sources: [Reserved].";

5. By deleting "federally" in subparagraph (b)(3)(vi)(b), deleting the "; and" at the end of the subparagraph, and putting a period in its place;

6. By deleting subparagraph (b)(3)(vi)(c);

7. By adding a new subparagraph (b)(3)(viii) to read as follows: "A decrease in actual emissions of a hydrocarbon compound which is listed in Table 1 of EPA's 'Recommended Policy on Control of Volatile Organic Compounds', 42 FR 35314 (July 8, 1977), is not creditable against an increase in emissions of any hydrocarbon compound which is not listed in that table.";

8. By deleting "federally" in the second sentence of subparagraph (b)(4);

9. By revising subparagraph (b)(17) to read as follows: "(17) 'Enforceable' means enforceable under federal, state or local law and discoverable by the Administrator and any other person.";

10. By deleting subparagraph (b)(23)(iii) [relating to Class I areas];

11. By deleting subparagraph (i)(4)(ii) and redesignating subparagraph (i)(4)(iii) as (i)(4)(ii);

12. By deleting the parenthetical in subsection k);

13. By deleting subparagraph (s)(2)(iv)(b), redesignating subparagraph (s)(2)(iv)(c) as (s)(2)(iv)(b), and revising subparagraph (s)(2)(v) to read as follows: "The provisions of subsection (p) of this section (relating to Class I areas) have been satisfied with respect to all periods during the life of the source or modification.".

3. New Source Review for PSD Purposes

Section 52.21 of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

1. By adding a new subparagraph (b)(1)(iii) to read as follows: "(iii) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources: [Reserved].";

2. By adding to subparagraph (b)(2)(iii)(e)(1) an "(1)" after the word "prohibited" and the following clause just before the semi-colon at the end of the subparagraph: ", or (1) under any enforceable condition which was established after [the effective date of this clause]";

3. By adding to subparagraph (b)(2)(iii)(f) an "(1)" after the word "prohibited" and the following clause at the end of the subparagraph: ", or (1) under any enforceable condition which was established after [the effective date of this clause].";

4. By adding a new subparagraph (b)(2)(iv) to read as follows: "(iv) Increases and decreases in fugitive emissions shall not be included in determining for any of the purposes of this section whether a change at a stationary source would result in a significant net emissions increase, unless the source belongs to one of the following categories of stationary sources: [Reserved].";

5. By deleting "federally" in subparagraph (b)(3)(vi)(b), deleting the "; and" at the end of the subparagraph, and putting a period in its place;

6. By deleting subparagraph (b)(3)(vi)(c):

7. By adding a new subparagraph (b)(3)(vii) to read as follows: "A decrease in actual emissions of a hydrocarbon compound which is listed in Table 1 of EPA's 'Recommended Policy on Control of Volatile Organic Compounds', 42 FR 35314 (July 8, 1977), is not creditable against an increase in emissions of any hydrocarbon compound which is not listed in that table.";

8. By deleting "federally" in the second sentence of subparagraph (b)(4);

9. By revising subparagraph (b)(17) to read as follows: "(17) 'Enforceable' means enforceable under federal, state or local law and discoverable by the Administrator and any other person.";

10. By deleting subparagraph (b)(23)(iii) [relating to Class I areas];

11. By deleting subparagraph (i)(4)(vii) and redesignating subparagraph (i)(4)(viii) as (i)(4)(vii);

12. By deleting the parenthetical in subsection (k);

13. By deleting subparagraph (v)(2)(iv)(b), redesignating subparagraph (v)(2)(iv)(c) as (v)(2)(iv)(b), and revising subparagraph (v)(2)(v) to read as follows: "The provisions of subsection (p) of this section (relating to Class I areas) have been satisfied with respect to all periods during the life of the source or modification.".

C. Emission Offset Interpretative Ruling

Appendix S of Part 51 of Title 40 of the Code of Federal Regulations, as amended at 46 FR 50766 (October 14, 1981), is proposed to be amended as follows:

1. By deleting "federally" in the second sentence of subparagraph II.A.3.

2. By adding a new subparagraph II.A.4(iii) to read as follows: "(iii) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this Ruling whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources: [Reserved].";

3. By adding to subparagraph II.A.5(iii)(e)(1) an "(1)" after the word "prohibited" and the following clause just before the semicolon: ", or (1) under any enforceable condition which was established after [the effective date of this clause].";

4. By adding to subparagraph II.A.5(iii)(f) an "(1)" after the word "prohibited" and the following clause at the end of the subparagraph: ", or (2) under any enforceable condition which was established after [the effective date of this clause].";

5. By adding a new subparagraph II.A.5(iv) to read as follows: "(iv) Increases and decreases in fugitive emissions shall not be included in determining for any of the purposes of this Ruling whether a change at a stationary source would result in a significant net emissions increase, unless the source belongs to one of the following categories of stationary sources: [Reserved].";

6. By deleting "federally" in subparagraph II.A.6(v)(b);
7. By deleting the "; and" in subparagraph II.A.6(v)(c) and putting a period in its place;
8. By deleting subparagraph II.A.6(v)(d);
9. By adding a new subparagraph II.A.6(vii) to read as follows: A decrease in actual emissions of a hydrocarbon compound which is listed in Table 1 of EPA's 'Recommended Policy on Control of Volatile Organic Compounds', 42 FR 35314 (July 8, 1977), is not creditable against an increase in emissions of any hydrocarbon compound which is not listed in that table.";
10. By revising subparagraph II.A.12 to read as follows:
"(12) 'Enforceable' means enforceable under federal, state or local law and discoverable by the Administrator and any other person.";
11. By deleting paragraphs II.D. - II.G.;
12. By revising paragraph IV.C.3. to read as follows: "3. Operating hours and source shutdown. A source may be credited with emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels (see initial discussion to this Section C), provided that the shutdown or curtailment occurred after December 21, 1976. Emission offsets that involve reducing operating hours or production or source shutdowns must be legally enforceable, as in the case for all emission offset situations.";
13. By deleting footnote 9;
14. By deleting paragraph IV.C.5. and renumbering paragraph IV.C.6. as IV.C.5.

D. State Plans for New Source Review for Nonattainment Purposes

Section 51.18 of Title 40 of the Code of Federal Regulations, as amended at 46 FR 50766 (October 14, 1981), is proposed to be amended as follows:

1. By deleting "federally" in the second sentence of subparagraph (j)(1)(iii);

2. By adding a new subparagraph (j)(1)(iv)(c) to read as follows: "(c) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this subsection whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources: [Reserved].";

3. By adding to subparagraph (j)(1)(v)(c)(5)(i) an "(A)" after the word "prohibited" and the following clause just before the semi-colon: ", or (B) under any enforceable condition which was established after [the effective date of this clause]";

4. By adding to subparagraph (j)(1)(v)(c)(6) an "(i)" after the word "prohibited" and the following clause at the end of the subparagraph: ", or (ii) under any enforceable condition which was established after [the effective date of this clause].

5. By adding a new subparagraph (j)(1)(v)(d) to read as follows: "(d) Increases and decreases in fugitive emissions shall not be included in determining for any of the purposes of this subsection whether a change at a stationary source would result a significant net emissions increase, unless the source belongs to one of the following categories of stationary sources: [Reserved].";

6. By deleting "federally" in subparagraph (j)(1)(vi)(e)(2);
7. By deleting subparagraph (j)(vi)(e)(4);
8. By adding a new subparagraph (j)(1)(vi)(g) to read as follows: "A decrease in actual emissions of a hydrocarbon compound which is listed in Table 1 of EPA's 'Recommended Policy on Control of Volatile Organic Compounds', 42 FR 35314 (July 8, 1977) is not creditable against an increase in emissions of any hydrocarbon compound which is not listed in that table.";
9. By revising subparagraph (j)(1)(xiv) to read as follows: "(xiv) 'Enforceable' means enforceable under federal, state or local law and discoverable by the Administrator and any other person.";
10. By revising subparagraph (j)(3)(ii)(c) to read as follows: "(c) Emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited, provided that the shutdown or curtailment occurred after a reasonable date specified in the plan.";
11. By deleting "federally" from subparagraph (j)(3)(ii)(c);
12. By deleting paragraph (j)(4) and renumbering paragraph (j)(5) as (j)(4).

2. Restrictions on Construction for Nonattainment Areas

Section 52.24 of Title 40 of the Code of Federal Regulations as amended at 46 FR 50766 (October 14, 1981), is proposed to be amended as follows:

1. By deleting "federally" in the second sentence of paragraph (f)(3);

2. By adding a new subparagraph (f)(4)(iii) to read as follows: "(iii) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources: [Reserved].";

3. By adding to subparagraph (f)(3)(iii)(e)(1) an "(1)" after the word "prohibited" and the following clause just before the semi-colon: ", or (1) under any enforceable condition which was established after [the effective date of this clause].";

4. By adding to subparagraph (f)(3)(iii)(f) a "(1)" after the word "prohibited" and the following clause at the end of the subparagraph: ", or (2) under any enforceable condition which was established after [the effective date of this clause].";

5. By adding a new subparagraph (f)(3)(iv) to read as follows: "(iv) Increases and decreases in fugitive emissions shall not be included in determining for any of the purposes of this section whether a change at a stationary source would result in a significant net emissions increase, unless the source belongs to one of the following categories of stationary sources: [Reserved].";

6. By deleting "federally" in subparagraph (f)(6)(v)(b);

7. By deleting subparagraph (f)(6)(v)(d);

8. By adding a new subparagraph (f)(6)(vii) to read as follows: "A decrease in actual emissions of a hydrocarbon compound which is listed in Table 1 of EPA's Recommended Policy on Control of

Volatile Organic Compounds', 42 FR 35314 (July 8, 1977), is not creditable against an increase in emissions of any hydrocarbon compound which is not listed in that table.";

8. By revising paragraph (f)(12) to read as follows:

"(12) 'Enforceable' means enforceable under federal, state or local law and discoverable by the Administrator and any other person.";

9. By deleting subsection (h) and renumbering the succeeding subsections accordingly.